

## REMARKS

In the application claims 49-75 remain pending. Claims 1-48 have been canceled. No claims presently stand allowed. The reconsideration of the rejection of the claims is, however, respectfully requested.

In the Office Action, claims 49-75 were rejected under 35 U.S.C § 103 as being obvious over U.S. Patent No 6,289,165 ("Abecassis") as modified by the teachings of U.S. Patent No. 6,040,829 ("Croy") or as being anticipated under 35 U.S.C. § 102 by Croy alone. In rejecting the claims, the Office Action generally set forth that Abecassis discloses function keys 212 that provide, for example, subject category selection, content preference selection, and source selection, which the Office Action asserts correspond to a plurality of navigation keys that are accessible to transmit command codes for commanding the operation of a consumer electronic device to navigate a menu of a digital media playable on the consumer electronic device. The Office Action acknowledges that Abecassis fails to disclose the claimed storage means for storing a sequence of activations of the keys and means for repeating the stored sequence. However, the Office Action further asserts that Croy, which teaches a save function that allows a user to record a sequence of user function key activations and associate a name with the sequence to recall a list of programs, discloses a storage means for storing a sequence of activations of the keys as well as a means for repeating the stored sequence. Thus, with respect to the obviousness rejection, the Office Action concludes that it would have been obvious to modify Abecassis using the teachings of Croy to arrive at the claimed invention "because this would provide automated capabilities for efficiently retrieving and playing only a specified class, category, or subject matter included in

segments within the selected video or set of videos as may be available from a database or videos." The rejection of the claims as set forth in the Office Action is, however, respectfully traversed.

It is well settled that an obviousness rejection, like an rejection under 35 U.S.C. § 102, requires that a combination of prior art references disclose each and every element set forth in a claim under consideration. In this regard, each word of a claim must be considered when determining if a claim is anticipated or rendered obvious. Furthermore, when combining references to form an obviousness rejection, it is impermissible to pick and choose from a reference only so much as will support a given position while disregarding what a reference fairly teaches in its entirety. It is also impermissible to combine references absent some teaching, suggestion, or motivation which must be gleaned from the references themselves. One cannot use the disclosure of an applicant as a template to piece together selected parts of the references.

It is first submitted that the rejection of the claims must be withdrawn since neither Croy nor the combination of Abecassis and Croy can be said to disclose each and every claim element as is recited in the claims under consideration. For example, the claims require: the storage of a sequence of keys, including navigation keys, which keys, when activated, are further required to transmit command codes for commanding the consumer electronic device to navigate a menu of a digital media; and a means for repeating this stored sequence which, in turn, requires the transmission of the command codes corresponding to the keys in the sequence to be repeated to again command the consumer electronic device to navigate the menu of the digital media.

That Abecassis fails to disclose, teach, or suggest the claimed means for storing a sequence of key activations which keys, when activated, are further required to transmit command codes for commanding the consumer electronic device to navigate a menu of a digital media or the means for repeating this stored sequence which, in turn, requires the transmission of the command codes corresponding to the keys in the sequence to be repeated to again command the consumer electronic device to navigate the menu of the digital media is acknowledged in the Office Action. Similarly, Croy which discloses that key activations may be monitored and stored to allow a user to navigate a locally stored menu, i.e., a menu *that is displayed on the personal navigator itself*, fails to disclose, teach, or suggest storing a sequence of key activations where the original sequence of key activations, which is stored, *results in the transmission of command codes* to a consumer electronic device or where the repeated sequence of key activations, which is recalled from memory, *results in the transmission of command codes* to the consumer electronic device. Thus, when Croy is fairly read in its entirety, it is apparent that modifying Abecassis according to the teachings of Croy does not result in a remote control having the claimed means for storing a sequence of key activations which keys, when activated, are further required to transmit command codes for commanding the consumer electronic device to navigate a menu of a digital media or the means for repeating this stored sequence which, in turn, requires the transmission of the command codes corresponding to the keys in the sequence to be repeated to again command the consumer electronic device to navigate the menu of the digital media. For at least this reason the rejection of the claims must be withdrawn.

It is further respectfully submitted that the disclosure by Croy of a delete key that "allows removal of the marked program from the list" cannot be said to disclose, teach, or suggest the claimed "removing activations of non-navigation keys from the stored sequence." In this regard, the applicants respectfully question how a "marked program from a list" can be said to correspond to a non-navigation key which, when activated, causes the transmission of a command code to a consumer electronic device. Likewise, the applicants question how the voice response subsystem of Abecassis which accommodates commands such as play and stop can be said to correspond to the claimed means for storing inter-pause key times, i.e., the time between activations of keys in a sequence. Since the combination of Abecassis and Croy fail to disclose these claim elements, the claims which recite these claim elements must also be found to be allowable.

It is further respectfully submitted that one of skill in the art would not be motivated to modify Abecassis in the manner suggested in the Office Action. In this regard, when fairly read in its entirety, Abecassis discloses no more than a system that has one-time entry of filtering parameters or playback sequencing which is stored within the system and used thereafter. Specifically, Abecassis discloses a system wherein the user edits a list of preferences, thereby establishing a filter for his content preferences. (Col. 24, lines 21-36). Alternatively, a user may view the playback of a digital media while tagging various segments to be omitted during a subsequent playback, e.g., by a child. (Col. 10, lines 47-53). In either case, there would be no incentive or purpose for the user to modify Abecassis in the manner suggested by the Office Action since, once entered, the preference parameters or segment selections, as opposed to the keystrokes

used to define them, are stored in the system memory and automatically applied without further user intervention. (Col. 28, lines 28-33). The only time the user would ever need to reenter editing keystrokes would be a case where the user desired to alter the parameters, in which case, by definition, the input keystrokes would be different, not repeated. In fact, Abecassis emphasizes a desire to eliminate any need to repeat entry sequences. (Col. 24, lines 20-36 which sets forth that the viewer "preestablish[es] ...personalized video content preferences...[such that], during transmission of the video, viewer intervention is not required.") Thus, given the fact that Abecassis stores the playback preferences of a viewer and no purpose would be served by repeating entry of earlier input, there would be no reason to modify Abecassis as suggested in the Office Action. For this further reason the rejection of the claims must be withdrawn.

#### CONCLUSION

It is respectfully submitted that the application is in good and proper form for allowance. Such action of the part of the Examiner is respectfully requested. Should it be determined, however, that a telephone conference would expedite the prosecution of the subject application, the Examiner is respectfully requested to contact the attorney undersigned.

Respectfully Submitted;

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